

The contents of the paper previously submitted and the CRF are the same and the CRF being submitted does not contain any new matter.

## **2. Restriction Requirement**

The Examiner has required a restriction between the seven groups identified on page 3 of the Office Action. This requirement is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The present application contains claims directed to a GFP protein, a fusion compound consisting of a GFP protein linked to a polypeptide, a nucleotide sequence encoding for the GFP protein, and methods of using the GFP in various assays. The Examiner has separated these claims into different groups on the basis of their classification in the art. Applicants would therefore have to prosecute multiple applications to obtain coverage for all of their claims. This places an unreasonable burden on the Applicants.

Applicants hereby provisionally elect the claims of Groups I and II for prosecution. Applicants submit that the claims of Group I (1-7 and 23-26) should be rejoined with the claims of Group II (8-9 and 32). The claims of Group I are directed to a fluorescent protein. The claims of Group II are drawn to a fusion compound wherein a polypeptide is linked to a fluorescent protein. These two Groups share similar subject matter and the claims of both of these Groups fall within the same class. Applicants submit that the Examiner would not be placed under an undue burden to search for prior art relating to the fluorescent protein and the fluorescent protein linked to a polypeptide. A similar rationale would also apply to the rejoinder of the claims of Groups IV and VII as they also share the same classification.


If the Examiner disagrees with the foregoing provisional election and maintains the full scope of the restriction requirement, Applicants hereby elect the claims of Group I for prosecution to fully comply with the Examiner's Restriction Requirement.

Favorable action and early allowance of all of the claims are requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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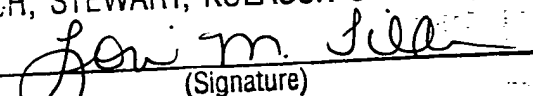
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(Rev. 03/27/01)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope to: Commissioner of Patents and Trademarks, Washington

D.C. 20231 on: October 11, 2001  
(Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

  
(Signature)

October 11, 2001  
(Date of Signature)